

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
))ss.
COUNTY OF DELAWARE) CAUSE NUMBER:

RUBY GOODMAN)
)
)
Plaintiff,)
)
v.)
)
JACOB MASSOTH, in his individual)
and official capacity as an Officer of)
the Muncie Police Department,)
the MUNCIE POLICE DEPARTMENT,)
and the CITY OF MUNCIE)
)
Defendants.)

COMPLAINT FOR DAMAGES
AND REQUEST FOR JURY TRIAL

Plaintiff, Ruby Goodman, by her attorney and for her cause of action against Defendants, Jacob Massoth, in his individual and official capacity as an Officer of the Muncie Police Department, the Muncie Police Department, and the City of Muncie alleges and states as follows:

I. PARTIES

1. Plaintiff, Ruby Goodman is a United States Citizen and at all relevant times has been a resident of Muncie, Delaware County.
2. Defendant, Jacob Massoth, unless indicated otherwise, was at all times described an employee of the Muncie Police Department, employed as a sworn officer acting in the course and scope of his employment. Defendant, Massoth, is sued both in his personal and official capacities.
3. Defendant, Muncie Police Department, is a department of the City of Muncie.

EXHIBIT
A

4. Defendant, City of Muncie is a local governmental subdivision in Indiana created and existing by virtue of the laws of Indiana. The Muncie Police Department is a department of the City of Muncie.

II. FACTUAL ALLEGATIONS

5. On or about July 1, 2019, Ruby Goodman was at her home located at 700 W. Memorial Drive in Muncie, Indiana.

6. Ms. Goodman is a 67-year-old woman who is approximately five foot and three inches tall and weighs less than 150 lbs.

7. The Muncie Police Department and Delaware County EMS were notified that Ms. Goodman's son, Louis Goodman Jr., was on the floor in the bathroom of the home and was unconscious.

8. It was alleged that Louis Goodman Jr. had overdosed on heroin.

9. Defendant, Massoth was the responding officer and administered CPR and Narcan to Louis Goodman Jr.

10. Louis Goodman Jr. was transported to IU-Ball Memorial Hospital and Ms. Goodman followed the ambulance to the hospital.

11. At the hospital Ms. Goodman was questioned and verbally harassed by Defendant, Massoth and he called Ms. Goodman many derogatory names.

12. Defendant, Massoth informed Ms. Goodman that she under arrest for allowing her son to use drugs in her home and Ms. Goodman was handcuffed with her hands behind her back.

13. At all times Ms. Goodman obeyed the commands of Defendant, Massoth.

14. After placing her under arrest Defendant, Massoth then transported Ms. Goodman from the hospital to the Delaware County Jail.

15. While escorting Ms. Goodman into the jail, and without provocation, Defendant, Massoth threw Ms. Goodman into the brick wall outside of the Delaware County Jail.

16. Ms. Goodman had no way to catch herself and her face slammed into the brick wall of the Delaware County Jail.

17. Ms. Goodman sustained multiple fractures of her face and required extensive surgery and hospitalization.

18. The foregoing acts by Defendant, Massoth was an egregious use of excessive and deadly force.

19. At no point in time on July 1, 2019 did Ms. Goodman pose a threat to Defendant, Massoth or other members of the public.

20. In accordance with Indiana statute, Defendants were timely served with a Notice of Tort Claim as to all state law claims on December 23, 2019.

21. Pursuant to Indiana statute, the Plaintiff's claims have been constructively denied as Defendants have had more than 90 days to investigate the claim, but have failed to respond.

III. CLAIMS FOR RELIEF

First Claim for Relief – Excessive Force Pursuant

22. Plaintiff realleges and incorporates by reference Paragraphs 1 through 19 as fully set forth here.

23. The misconduct of Defendant, Massoth as alleged herein violated Ms. Goodman's right to be free from unreasonable and excessive use of force as guaranteed by the Indiana

Constitution and by the 4th Amendment, 8th Amendment and the 14th Amendment of the United States Constitution.

24. The misconduct of Defendant, Massoth as alleged herein proximately caused Ms. Goodman to suffer injury including bodily injury, pain and suffering, shock, emotional distress, humiliation and permanent injury and lost wages.

**Second Claim for Relief – Negligent Hiring, Supervision
and Retention Against the City of Muncie**

25. Plaintiff alleges and incorporates by reference Paragraph 1 through 22 as if fully set forth herein.

26. Defendants, Muncie Police Department and City of Muncie negligently hired, supervised and/or retained Defendant, Massoth, when it knew or should have known that he had a propensity towards violence and towards overreaction in situations such as that presented to them on July 1, 2019, or was otherwise unfit for service as a police officer.

27. The negligent hiring, supervision and retention by Defendants, Muncie Police Department and City of Muncie of Defendant, Massoth was the proximate cause of the use of excessive force against Ms. Goodman.

28. As a direct and proximate result of Defendants, Muncie Police Department and City of Muncie's negligent hiring, supervision and retention of Defendant, Massoth, Ms. Goodman has suffered damages.

IV. REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1. Compensatory damages against each Defendant jointly and severally in an amount to be proven at trial;

2. Punitive and exemplary damage against Defendant, Massoth, as allowed by law in an amount appropriate to punish Defendant, Massoth and deter others from engaging in similar conduct; costs of suit;
3. Reasonable attorney's fees authorized by statute or law;
4. Pre and post judgment interest as permitted by law; and
5. Trial by jury.

Respectfully submitted,

By: /s/ M. Edward Krause, III
M. Edward Krause III, #24986-49
COHEN GARELICK & GLAZIER
8888 Keystone Crossing Boulevard, Suite 800
Indianapolis, Indiana 46240
Telephone: (317) 573-8888
Facsimile: (317) 574-3855
ekrause@cgglawfirm.com
Attorneys for Plaintiff

Delaware Circuit Court 3

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
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RUBY GOODMAN)
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JACOB MASSOTH, in his individual)
and official capacity as an Officer of)
the Muncie Police Department,)
the MUNCIE POLICE DEPARTMENT,)
and the CITY OF MUNCIE)
)
Defendants.)

APPEARANCE
(Initiating Party)

1. Name of initiating party(ies): Ruby Goodman
2. Attorney information (as applicable for service of process):

M. Edward Krause, III
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
ekrause@cgglawfirm.com
Tele. No.: (317) 573-8888
Fax No.: (317) 574-3855
3. Case type requested: CT
4. Will accept FAX service? Yes: No:
 Fax No.: (317) 574-3855
Will accept email service: Yes:
5. Additional information required by state or local rule:
6. Additional information to supplement the appearance form submitted by the initiating party:

By: /s/ M. Edward Krause, III
M. Edward Krause, III, #24986-49
Attorneys for Plaintiff

M. Edward Krause, III
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
(317) 573-8888 telephone
(317) 574-3855 facsimile
ekrause@cgglawfirm.com

Delaware Circuit Court 3

Delaware County, Indiana

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
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 JACOB MASSOTH, in his individual)
 and official capacity as an Officer of)
 the Muncie Police Department,)
 the MUNCIE POLICE DEPARTMENT,)
 and the CITY OF MUNCIE)
)
 Defendants.)

TO DEFENDANT: City of Muncie
 c/o Mayor Dan Ridenour
 Muncie City Hall
 300 N High Street
 Muncie, Indiana 47305

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Rick Spangsberg
 Clerk, Delaware Circuit Court



(The following manner of service of summons is hereby designated.)

____ Registered or certified mail.
 _____ Service at place of employment, to-wit:

XX Service on individual --- (Personal) at above address by Sheriff
 Service on agent. (Specify)
 Other service. (Specify)

M. Edward Krause, III, #24986-49
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
317-573-8888
Attorneys for Plaintiff

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 2020;

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant,

(2) _____ By leaving a copy of the Summons and a copy of the complaint at _____ which is the dwelling place or usual place of abode of _____ and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Deputy Sheriff

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2021, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by certified mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Delaware Circuit Court

RETURN OF SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by the defendant on the _____ day of _____, 2021.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the _____ day of _____, 2021.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of said defendant on the _____ day of _____, 2021.

Clerk, Delaware Circuit Court

By: _____
Deputy

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
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 COUNTY OF DELAWARE) ss.
) CAUSE NUMBER:
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 Plaintiff,)
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 JACOB MASSOTH, in his individual)
 and official capacity as an Officer of)
 the Muncie Police Department,)
 the MUNCIE POLICE DEPARTMENT,)
 and the CITY OF MUNCIE)
)
 Defendants.)

TO DEFENDANT: Officer Jacob Massoth
 Muncie Police Department
 Muncie City Hall
 300 N High Street
 Muncie, Indiana 47305

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Rick Spain
 Clerk, Delaware Circuit Court



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Registered or certified mail.
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XX Service on individual --- (Personal) at above address by Sheriff

Service on agent. (Specify)
Other service. (Specify)

M. Edward Krause, III, #24986-49
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
317-573-8888
Attorneys for Plaintiff

SHERIFF'S RETURN ON SERVICE OF SUMMONS

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(2) _____
By leaving a copy of the Summons and a copy of the complaint at _____ which
is the dwelling place or usual place of abode of _____ and by mailing a copy of
said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Deputy Sheriff

CLERK'S CERTIFICATE OF MAILING

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Summons and a copy of the complaint to the defendant, _____, by certified mail,
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Clerk, Delaware Circuit Court

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Summons and a copy of the complaint mailed to defendant _____ was
accepted by _____ on behalf of said defendant on the _____ day of
_____, 2021.

Clerk, Delaware Circuit Court

By: _____
Deputy

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
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 COUNTY OF DELAWARE) ss.
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 JACOB MASSOTH, in his individual)
 and official capacity as an Officer of)
 the Muncie Police Department,)
 the MUNCIE POLICE DEPARTMENT,)
 and the CITY OF MUNCIE)
)
 Defendants.)

TO DEFENDANT: Muncie Police Department
 c/o Chief Nathan Sloan
 Muncie City Hall
 300 N High Street
 Muncie, Indiana 47305

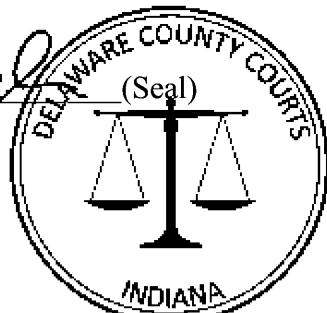
You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

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If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Rick Spangler
 Clerk, Delaware Circuit Court



(The following manner of service of summons is hereby designated.)

____ Registered or certified mail.
 _____ Service at place of employment, to-wit:

XX Service on individual --- (Personal) at above address by Sheriff
 Service on agent. (Specify)
 Other service. (Specify)

M. Edward Krause, III, #24986-49
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
317-573-8888
Attorneys for Plaintiff

SHERIFF'S RETURN ON SERVICE OF SUMMONS

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(1) By delivering a copy of the Summons and a copy of the complaint to the defendant,

(2) _____ By leaving a copy of the Summons and a copy of the complaint at _____ which is the dwelling place or usual place of abode of _____ and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Deputy Sheriff

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2021, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by certified mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Delaware Circuit Court

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I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of said defendant on the _____ day of _____, 2021.

Clerk, Delaware Circuit Court

By: _____
Deputy

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
)
) SS:
COUNTY OF DELAWARE) CAUSE NO. 18C03-2107-CT-000074

RUBY GOODMAN)
 Plaintiff,)
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)
 v.)
)
 JACOB MASSOTH, in his individual and)
 official capacity as an Officer of the Muncie)
 Police Department, the MUNCIE POLICE)
 DEPARTMENT, and the CITY OF MUNCIE,)
 Defendants,)

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating _____ Responding X_____ Intervening _____ ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of parties:

Jacob Massoth
Muncie Police Department
City of Muncie

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name:	Tia J. Combs	Atty Number: 35003-22
Address:	2525 Harrodsburg Road, Suite 500	
	Lexington, KY 40504	
Phone:	(859) 410-7854	
Fax:	(770) 937-9960	
Email:	tcombs@fmglaw.com	

Name: Casey C. Stansbury Atty Number: 33928-22
Address: 2525 Harrodsburg Road, Suite 500
Lexington, KY 40504
Phone: (859) 410-7852
Fax: (770) 937-9960
Email: cstansbury@fmglaw.com

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

3. This is a CT case type as defined in administrative Rule 8(B)(3).
4. This case involves child support issues. Yes ____ No x ____ (*If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on light green paper. Use Form TCM-TR3.1-4.*)
5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ____ No x ____ (*If Yes, the initiating party must provide an address for*

the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.) The party shall use the following address for purposes of legal service:

_____ Attorney's address

_____ The Attorney General Confidentiality program address

(contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.in.gov**).

_____ Another address (provide)

This case involves a petition for involuntary commitment. Yes ____ No x____

6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment. NA

7. There are related cases: Yes ____ No x____ (*If yes, list on continuation page.*)

8. Additional information required by local rule: NA

9. There are other party members: Yes ____ No x____ (*If yes, list on continuation page.*)

10. This form has been served on all other parties and Certificate of Service is attached:

Yes x__ No ____

Freeman Mathis & Gary, LLP

s/ Tia J. Combs

Casey C. Stansbury 33928-22

Tia J. Combs 35003-22

2525 Harrodsburg Road, Suite 500

Lexington, KY 40504

(859) 410-7854

cstansbury@fmglaw.com

tcombs@fmglaw.com

Counsel for Defendants,

*Jacob Massoth, Muncie Police Department,
and the City of Muncie*

CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served, via the Court's electronic filing system, on this the 21st day of July, 2021, upon the following:

M. Edward Krause, III
Cohen Garellick & Glazier
8888 Keystone Crossing Blvd. Ste. 800
Indianapolis, IN 46240
ekrause@cgglawfirm.com
Counsel for Plaintiff, Ruby Goodman

s/ Tia J. Combs

Counsel for Defendants

STATE OF INDIANA)	DELAWARE COUNTY CIRCUIT
)	COURT
)	
) SS:	
)	
COUNTY OF DELAWARE)	CAUSE NO. 18C03-2107-CT-000074
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PLAINTIFF)	
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v.)	
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JACOB MASSOTH, in his individual)	
and official capacity as an Officer of the)	
Muncie City Police Department; the)	
MUNCIE POLICE DEPARTMENT; and the)	
CITY OF MUNCIE, INDIANA,)	
DEFENDANTS)	

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to the 28 U.S.C. §§ 1331, 1367, 1441, and 1446, the Defendants, Jacob Massoth, in his individual and official capacity as an officer of the Muncie Police Department; the Muncie Police Department; and the City of Muncie, Indiana (collectively, "Defendants") hereby give notice that they have filed the attached copy of a Notice of Removal of this action in the United States District Court for the Southern District of Indiana, Indianapolis Division. This Notice of Removal has been duly filed in the United States District Court.

Pursuant to 28 U.S.C. §§ 1331, 1367 1441, and 1446, the filing of this copy of the Notice of Removal effects the removal of this action from the State Court to the United States District Court, and the State Court shall proceed no further herein.

FREEMAN MATHIS & GARY, LLP

s/ Tia J. Combs

Casey C. Stansbury (#33928-22)
Tia J. Combs (#35003-22)
2525 Harrodsburg Road, Suite 500
Lexington, KY 40504
(859) 410-7854
CStansbury@fmglaw.com
TCombs@fmglaw.com
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2021, the foregoing document was electronically filed with the Clerk of this Court using the Indiana E-Filing system (IEFS). Additionally, a copy of the foregoing was e-mailed and mailed via first class USPS to the following:

Edward Krause, III
Cohen Garelick & Glazier
8888 Keystone Crossing Blvd. Ste. 800
Indianapolis, IN 46240
ekrause@cgglawfirm.com
Counsel for Plaintiff, Ruby Goodman

s/Tia J. Combs

Counsel for Defendants

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
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the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

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City of Muncie

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Yes x__ No ____

Freeman Mathis & Gary, LLP

s/ Tia J. Combs

Casey C. Stansbury 33928-22

Tia J. Combs 35003-22

2525 Harrodsburg Road, Suite 500

Lexington, KY 40504

(859) 410-7854

cstansbury@fmglaw.com

tcombs@fmglaw.com

Counsel for Defendants,

*Jacob Massoth, Muncie Police Department,
and the City of Muncie*

CERTIFICATE OF SERVICE

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M. Edward Krause, III
Cohen Garellick & Glazier
8888 Keystone Crossing Blvd. Ste. 800
Indianapolis, IN 46240
ekrause@cgglawfirm.com
Counsel for Plaintiff, Ruby Goodman

s/ Tia J. Combs

Counsel for Defendants

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
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I. PARTIES

1. Plaintiff, Ruby Goodman is a United States Citizen and at all relevant times has been a resident of Muncie, Delaware County.
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II. FACTUAL ALLEGATIONS

5. On or about July 1, 2019, Ruby Goodman was at her home located at 700 W. Memorial Drive in Muncie, Indiana.

6. Ms. Goodman is a 67-year-old woman who is approximately five foot and three inches tall and weighs less than 150 lbs.

7. The Muncie Police Department and Delaware County EMS were notified that Ms. Goodman's son, Louis Goodman Jr., was on the floor in the bathroom of the home and was unconscious.

8. It was alleged that Louis Goodman Jr. had overdosed on heroin.

9. Defendant, Massoth was the responding officer and administered CPR and Narcan to Louis Goodman Jr.

10. Louis Goodman Jr. was transported to IU-Ball Memorial Hospital and Ms. Goodman followed the ambulance to the hospital.

11. At the hospital Ms. Goodman was questioned and verbally harassed by Defendant, Massoth and he called Ms. Goodman many derogatory names.

12. Defendant, Massoth informed Ms. Goodman that she under arrest for allowing her son to use drugs in her home and Ms. Goodman was handcuffed with her hands behind her back.

13. At all times Ms. Goodman obeyed the commands of Defendant, Massoth.

14. After placing her under arrest Defendant, Massoth then transported Ms. Goodman from the hospital to the Delaware County Jail.

15. While escorting Ms. Goodman into the jail, and without provocation, Defendant, Massoth threw Ms. Goodman into the brick wall outside of the Delaware County Jail.

16. Ms. Goodman had no way to catch herself and her face slammed into the brick wall of the Delaware County Jail.

17. Ms. Goodman sustained multiple fractures of her face and required extensive surgery and hospitalization.

18. The foregoing acts by Defendant, Massoth was an egregious use of excessive and deadly force.

19. At no point in time on July 1, 2019 did Ms. Goodman pose a threat to Defendant, Massoth or other members of the public.

20. In accordance with Indiana statute, Defendants were timely served with a Notice of Tort Claim as to all state law claims on December 23, 2019.

21. Pursuant to Indiana statute, the Plaintiff's claims have been constructively denied as Defendants have had more than 90 days to investigate the claim, but have failed to respond.

III. CLAIMS FOR RELIEF

First Claim for Relief – Excessive Force Pursuant

22. Plaintiff realleges and incorporates by reference Paragraphs 1 through 19 as fully set forth here.

23. The misconduct of Defendant, Massoth as alleged herein violated Ms. Goodman's right to be free from unreasonable and excessive use of force as guaranteed by the Indiana

Constitution and by the 4th Amendment, 8th Amendment and the 14th Amendment of the United States Constitution.

24. The misconduct of Defendant, Massoth as alleged herein proximately caused Ms. Goodman to suffer injury including bodily injury, pain and suffering, shock, emotional distress, humiliation and permanent injury and lost wages.

**Second Claim for Relief – Negligent Hiring, Supervision
and Retention Against the City of Muncie**

25. Plaintiff alleges and incorporates by reference Paragraph 1 through 22 as if fully set forth herein.

26. Defendants, Muncie Police Department and City of Muncie negligently hired, supervised and/or retained Defendant, Massoth, when it knew or should have known that he had a propensity towards violence and towards overreaction in situations such as that presented to them on July 1, 2019, or was otherwise unfit for service as a police officer.

27. The negligent hiring, supervision and retention by Defendants, Muncie Police Department and City of Muncie of Defendant, Massoth was the proximate cause of the use of excessive force against Ms. Goodman.

28. As a direct and proximate result of Defendants, Muncie Police Department and City of Muncie's negligent hiring, supervision and retention of Defendant, Massoth, Ms. Goodman has suffered damages.

IV. REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1. Compensatory damages against each Defendant jointly and severally in an amount to be proven at trial;

2. Punitive and exemplary damage against Defendant, Massoth, as allowed by law in an amount appropriate to punish Defendant, Massoth and deter others from engaging in similar conduct; costs of suit;
3. Reasonable attorney's fees authorized by statute or law;
4. Pre and post judgment interest as permitted by law; and
5. Trial by jury.

Respectfully submitted,

By: /s/ M. Edward Krause, III
M. Edward Krause III, #24986-49
COHEN GARELICK & GLAZIER
8888 Keystone Crossing Boulevard, Suite 800
Indianapolis, Indiana 46240
Telephone: (317) 573-8888
Facsimile: (317) 574-3855
ekrause@cgglawfirm.com
Attorneys for Plaintiff

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
))ss.
COUNTY OF DELAWARE) CAUSE NUMBER:

RUBY GOODMAN)
)
)
Plaintiff,)
)
v.)
)
JACOB MASSOTH, in his individual)
and official capacity as an Officer of)
the Muncie Police Department,)
the MUNCIE POLICE DEPARTMENT,)
and the CITY OF MUNCIE)
)
Defendants.)

APPEARANCE
(Initiating Party)

1. Name of initiating party(ies): Ruby Goodman
2. Attorney information (as applicable for service of process):

M. Edward Krause, III
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
ekrause@cgglawfirm.com
Tele. No.: (317) 573-8888
Fax No.: (317) 574-3855

3. Case type requested: CT
4. Will accept FAX service? Yes: X No:
 Fax No.: (317) 574-3855
Will accept email service: Yes: X
5. Additional information required by state or local rule:
6. Additional information to supplement the appearance form
submitted by the initiating party:

By: /s/ M. Edward Krause, III
M. Edward Krause, III, #24986-49
Attorneys for Plaintiff

M. Edward Krause, III
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
(317) 573-8888 telephone
(317) 574-3855 facsimile
ekrause@cgglawfirm.com

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
)
 COUNTY OF DELAWARE) ss. CAUSE NUMBER:
)
 RUBY GOODMAN)
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)
 Plaintiff,)
)
 v.)
)
 JACOB MASSOTH, in his individual)
 and official capacity as an Officer of)
 the Muncie Police Department,)
 the MUNCIE POLICE DEPARTMENT,)
 and the CITY OF MUNCIE)
)
 Defendants.)

TO DEFENDANT: City of Muncie
 c/o Mayor Dan Ridenour
 Muncie City Hall
 300 N High Street
 Muncie, Indiana 47305

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Rick Spangsberg
 Clerk, Delaware Circuit Court



(The following manner of service of summons is hereby designated.)

____ Registered or certified mail.
 _____ Service at place of employment, to-wit:

XX Service on individual --- (Personal) at above address by Sheriff

Service on agent. (Specify)
Other service. (Specify)

M. Edward Krause, III, #24986-49
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
317-573-8888
Attorneys for Plaintiff

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 2020;

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant,

(2) _____
By leaving a copy of the Summons and a copy of the complaint at _____ which
is the dwelling place or usual place of abode of _____ and by mailing a copy of
said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Deputy Sheriff

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2021, I mailed a copy of this
Summons and a copy of the complaint to the defendant, _____, by certified mail,
requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Delaware Circuit Court

RETURN OF SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the
Summons and a copy of the complaint mailed to defendant _____ was
accepted by the defendant on the _____ day of _____, 2021.

I hereby certify that the attached return receipt was received by me showing that the
Summons and a copy of the complaint was returned not accepted on the _____ day of
_____, 2021.

I hereby certify that the attached return receipt was received by me showing that the
Summons and a copy of the complaint mailed to defendant _____ was
accepted by _____ on behalf of said defendant on the _____ day of
_____, 2021.

Clerk, Delaware Circuit Court

By: _____
Deputy

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
)
 COUNTY OF DELAWARE) ss. CAUSE NUMBER:
)
 RUBY GOODMAN)
)
)
 Plaintiff,)
)
 v.)
)
 JACOB MASSOTH, in his individual)
 and official capacity as an Officer of)
 the Muncie Police Department,)
 the MUNCIE POLICE DEPARTMENT,)
 and the CITY OF MUNCIE)
)
 Defendants.)

TO DEFENDANT: Officer Jacob Massoth
 Muncie Police Department
 Muncie City Hall
 300 N High Street
 Muncie, Indiana 47305

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Rick Spain
 Clerk, Delaware Circuit Court



(The following manner of service of summons is hereby designated.)

Registered or certified mail.
 Service at place of employment, to-wit:

XX Service on individual --- (Personal) at above address by Sheriff

Service on agent. (Specify)
Other service. (Specify)

M. Edward Krause, III, #24986-49
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
317-573-8888
Attorneys for Plaintiff

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 2020;

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant,

(2) _____
By leaving a copy of the Summons and a copy of the complaint at _____ which
is the dwelling place or usual place of abode of _____ and by mailing a copy of
said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Deputy Sheriff

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2021, I mailed a copy of this
Summons and a copy of the complaint to the defendant, _____, by certified mail,
requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Delaware Circuit Court

RETURN OF SERVICE OF SUMMONS BY MAIL

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accepted by the defendant on the _____ day of _____, 2021.

I hereby certify that the attached return receipt was received by me showing that the
Summons and a copy of the complaint was returned not accepted on the _____ day of
_____, 2021.

I hereby certify that the attached return receipt was received by me showing that the
Summons and a copy of the complaint mailed to defendant _____ was
accepted by _____ on behalf of said defendant on the _____ day of
_____, 2021.

Clerk, Delaware Circuit Court

By: _____
Deputy

STATE OF INDIANA) DELAWARE COUNTY CIRCUIT COURT
)
 COUNTY OF DELAWARE) ss.
) CAUSE NUMBER:
 RUBY GOODMAN)
)
)
 Plaintiff,)
)
 v.)
)
 JACOB MASSOTH, in his individual)
 and official capacity as an Officer of)
 the Muncie Police Department,)
 the MUNCIE POLICE DEPARTMENT,)
 and the CITY OF MUNCIE)
)
 Defendants.)

TO DEFENDANT: Muncie Police Department
 c/o Chief Nathan Sloan
 Muncie City Hall
 300 N High Street
 Muncie, Indiana 47305

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Rick Spangler
 Clerk, Delaware Circuit Court



(The following manner of service of summons is hereby designated.)

____ Registered or certified mail.
 _____ Service at place of employment, to-wit:

XX Service on individual --- (Personal) at above address by Sheriff
 Service on agent. (Specify)
 Other service. (Specify)

M. Edward Krause, III, #24986-49
COHEN GARELICK & GLAZIER
8888 Keystone Crossing, Suite 800
Indianapolis, Indiana 46240
317-573-8888
Attorneys for Plaintiff

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 2020;

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant,

(2) _____ By leaving a copy of the Summons and a copy of the complaint at _____ which is the dwelling place or usual place of abode of _____ and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Deputy Sheriff

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2021, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by certified mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, Delaware Circuit Court

RETURN OF SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by the defendant on the _____ day of _____, 2021.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the _____ day of _____, 2021.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of said defendant on the _____ day of _____, 2021.

Clerk, Delaware Circuit Court

By: _____
Deputy